

### **REMARKS/ARGUMENTS**

In the Office Action of December 13, 2004, the Examiner accepted the Amendment filed on September 27, 2004, stating that the Amendment overcame the previously-raised objections to the drawings, specification, and claims. The Examiner then repeated and made final the rejection of claims 1 and 8 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,794,973 to O'Loughlin et al. (hereinafter "O'Loughlin"). Claims 2-7, 9, and 10 were objected to, having been found to be allowable if rewritten in independent form to incorporate all of the limitations of the base claim and any intervening claims.

By this paper, claim 1 has been amended. Thus, claims 1-10 are presented for the reconsideration of the Examiner.

#### **Claim Rejections – 35 U.S.C. §102(b)**

The Examiner rejected claims 1 and 8 as being anticipated by O'Loughlin under 35 U.S.C. §102(b). Such a reference properly anticipates a claim under 35 U.S.C. §102(b) "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). O'Loughlin fails to teach each and every element of the claims, and thus, that it fails to support this rejection under 35 U.S.C. §102(b).

In the Office Action, the Examiner maintained his rejection of claims 1 and 8 under 35 U.S.C. §102(b), taking the position that:

an initial predetermined gas flow area exists in the interior of the chamber 48 initially. The fact that the reference teaches that the rupturable disk 102 ruptures when a predetermined pressure is reached makes it obvious that there is an initial predetermined gas flow in the chamber 48. Furthermore, when the rupturable disk 102 deforms the gas flow area increases into a diffuser 80, where the diffuser is considered part of the gas outlet. Therefore, the O'Loughlin et al reference teaches the gas outlet having an initial predetermined gas flow area, *the at least one gas outlet incorporating a deformable part configured to deform in response to predetermined gas pressure, thereby increasing the gas flow area of the gas outlet.*

Office Action, p. 2, paragraph 2 (emphasis added).

As amended herein, claim 1 states that the "gas outlet aperture ha[s] an initial cross-section to define an initial gas flow area, the at least one gas outlet aperture incorporating a deformable part configured to deform in response to a predetermined gas pressure, thereby increasing the cross-section of the gas outlet aperture to increase the gas flow area of the gas outlet." Claim 1, *supra*. Clear basis for these amendments can be found on page 10 of the specification. *See, e.g.*, Application specification, lines 4-22. Thus, the claim states that deformation of the deformable part increases the cross-section of the orifice of the gas outlet. Although O'Loughlin teaches opening of a previously-closed gas outlet orifice by expulsion of a burst disk, it provides no mechanism or teaching for altering the size of the cross-section of the gas outlet orifice.

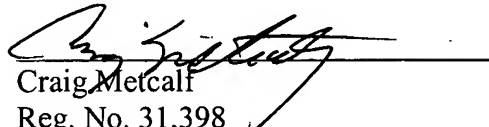
Specifically referring to Figures 1-4 of O'Loughlin, the aperture 60 in the wall 62 of the chamber 48 and the apertures 82 through the housing 80 on the outside of the wall 62 of the chamber 48 may potentially be considered to define gas outlet apertures. This is so because each of these apertures is "located in a flow path from the chamber containing compressed gas to the exterior of the inflator" as stated by claim 1. Although each aperture 82 of the housing 80 could likely be construed to have "an initial cross-section," as described in claim 1, they do not incorporate "a deformable part configured to deform in response to a predetermined gas pressure," thereby increasing its cross-section, as required by claim 1. *See, e.g.*, O'Loughlin Figures 1-4, column 3, lines 36-44.

Similarly, with regard to aperture 60 formed through the wall of the chamber 48, although the aperture may potentially be considered to have an initial cross-section, and although aperture 60 is considered by the Examiner to incorporate a deformable part in the form of the rupturable disc 102, once the rupturable disc 102 ruptures, the cross-section of the aperture 60 is not increased. Instead, the aperture 60 is merely exposed. The puncture hole in the ruptured disc similarly fails to meet the elements of claim 1 since it has no initial cross-section to define a predetermined gas flow area. Indeed, until ruptured, there is no aperture in the rupturable disc 122 at all. Applicants thus submit that since O'Loughlin does not disclose each and every element of claim 1 of the present Application, claims 1 and 8 are allowable as presented *supra*.

Appl. No. 10/645,355  
Amdt. dated March 3, 2005  
Reply to Office Action of December 13, 2004.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

  
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